

S.B. Civil Writ Petition No.8962/06

05.02.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. Sandeep Jain for petitioner.

The petitioner has challenged the dated 27.9.06 whereby the application of the plaintiff respondent no.1 to bring in evidence copy of the inspection report dated 5.8.04 prepared by Patwari has been allowed and the said document has been taken on record on payment of cost. The reason that has been assigned by learned trial court for reopening of the evidence and taking the said document on record is that such document dated 5.8.04 has come into existence after the evidence of the plaintiff was closed on 4.11.2003 and the certified copy of such document has been obtained by the plaintiff on 28.2.2006.

The learned trial court has further recorded that mere taking of those documents on record would not adversely affect the interest of the defendant.

Having heard the learned counsel for the petitioner I do not find that any material irregularity or illegality has been committed by the learned trial court in accepting the application of the plaintiff as the document would certainly have a bearing on the issues raised in the matter.

The writ petition being devoid of merit is dismissed with no order as to costs.

(Mohammad Rafiq), J.

Rs/-